

111

**Hellen Dodd    Will dated 16<sup>th</sup> April 1784    Codicil dated 23<sup>rd</sup> February 1785    Proved 2<sup>nd</sup> July 1789**

In the name of God amen I **Hellen Dodd widow of Toby Dodd** late of Hollymount in the county of Roscommon esquire deceased being weak in body but of sound mind memory and understanding do hereby make and publish this my last will and testament in manner and form following

That is to say I give devise and bequeath my lands of **Stukery, Killarken and Crea** with their appurtenances situate in the county of Leitrim and which were devised to me by the last will and testament of my late husband the said **Toby Dodd** unto my good friends and near relations the **Reverend Samuel Ahmuty of Ballymahon** in the county of Longford Clerk and **Coote Molloy of Hughestown** in the county of Roscommon esq and the survivors and survivor of them and the heirs and such survivor (subject nevertheless to a chief rent of forty pounds sterling per annum payable out of the same) upon the following Trusts and for the following purposes

That is to say that they the said **Samuel Ahmuty and Coote Molloy** and the survivors and survivor of them or the heirs of such survivor shall and do receive the rents issues and profits of my said lands in the county of Leitrim at the first place to pay unto **the boy called James Dodd** now about ten years old who is the supposed natural child of my late husband **Toby Dodd** one annuity or yearly rent charge of twenty pounds sterling for his maintenance education and support until he shall arrive at the age of twenty one years payable in two equal half yearly payments in each year on every first day of May and first day of November the first payment thereof to be made on which ever of said days of payment as shall next happen after my decease

And my will is that as soon as **the boy called James Dodd** shall arrive at his full age of twenty one years then I give devise and bequeath the said annuity or yearly rent charge of twenty pounds sterling issuing out of the said lands of **Stukery, Killarken and Crea** to **the said James Dodd** during the term of his natural life and after his decease to the issue male of the said **James Dodd** and for want of such issue then to the female issue of the said **James Dodd** both lawfully together in such shares and proportions and in such manner as the said **James Dodd** shall limit and appoint and in default of such issue lawfully begotten then my will is and I do leave and bequeath the said annuity or yearly rent charge of twenty pound sterling issuing out of the said land of **Stukery, Killarken and Crea** as aforesaid to **Toby Molloy eldest son of the said Coote Molloy** his heirs and assigns forever

And my will further is that in case the said annuity or yearly rent charge of twenty pounds sterling or any part thereof shall be behind or unpaid by or for the space of twenty one days next after either of the said days of payment aforesaid then and in such case then it shall and may be lawful to and for the said **James Dodd** his heirs executors administrators and assigns after he shall arrive at the full age of twenty one years to enter in and upon the said lands of **Stukery Killarken and Crea** or any or either of them or any part thereof and to distrain the same and the distress and distresses then and there found to take and dispose of according to law for the said yearly rent charge of twenty pound sterling and all arrears thereof and all costs and charges attending the suing for or recovering the same either at law or in equity

I give devise and bequeath to the aforesaid **Reverend Samuel Ahmuty** the sum of one hundred pound sterling to be raised and received of my said lands of **Stukery Killarken and Crea** and as soon as the said sum of one hundred pounds is paid off and discharged I order and direct that they the said **Samuel Ahmuty and Coote Molloy** or the survivors or survivor of them or the heirs of such survivor shall and do by good and sufficient conveyance or conveyances grant assign and settle my said lands of **Stukery Killarken and Crea** unto one or more Trustee or Trustees and his or their heirs to and for the following uses intents trusts and purposes (but subject nevertheless to the said chief rent and to the said annuity or yearly rent charge of twenty pounds sterling devised by me to **the boy called James Dodd**) or as near thereto as the alteration of circumstances and the death of parties shall admit

That is to say to the use of **my grand nephew Toby Molloy esq eldest son of the said Coote Molloy** for and during the term of his natural life without impeachment of waste with remainders to such Trustee or Trustees and his or their heirs to support the contingent remainder from being defeated or destroyed and from and after the decease of the said **Toby Molloy** to the use of the first and every other son and sons of the body of the said **Toby Molloy** lawfully to begotten severally successively and in remainder one after the other as they shall be in seniority of age and priority of birth and of the several and respective heirs of the body and bodies of such

2

son and sons lawfully begotten the elder of such sons and the heirs of his body always to take before the younger of such sons and in default of such issue then to the use of all and every the daughter and daughters of the said **Toby Molloy** lawfully to be begotten to be equally divided between them (if more than one share and share alike) as tenants in common and not as joint tenants and of the several and respective heirs of the body and bodies of all and every such daughter and daughters lawfully issuing and with cross? remainders to such daughters

And my will is that in the said settlement to be executed aforesaid there shall be inserted and contained a power enabling the said **Toby Molloy** when he shall be in the seisen and possession of my said lands in the county of Leitrim under the respective limitations mentioned in this my will by deed or will to charge all my lands in the county of Leitrim with any provision or provisions by way of jointure for any wife or wives he now is married to or shall hereafter marry not exceeding the annual sum of forty pounds sterling

And my will is that in said settlement so to be made there shall be inserted and contained a proviso or power enabling the said **Toby Molloy** when he shall be in the seisen and possession of my lands in the county of Leitrim under the respective limitations mentioned in this my will from time to time during his life to make and grant leases of my said lands in the county of Leitrim of any part thereof for any term or number of years not exceeding three lives or thirty one years immediately in possession and not in reversion remainder or expectancy so as the best and most improved yearly rent or rents that can reasonably be had or got for the same be there upon reserved and made payable thereout without taking any sum or sums of money or any other thing by way of fine price or income for or in respect of making such lease or leases and so as none of the said leases be made dishonourable of waste and that all such leases be made under such restrictions and limitations as in such cases are usual and that the lessee or lessees seal and deliver counterparts of said lease or leases

I give devise and bequeath unto **Martha Walton widow the daughter of Morgan White** late of Naughbane in the county of Sligo deceased and her assigns one annuity or yearly rent charge of five pounds sterling during her life to be issuing out of the lands of Hollymount with the lands thereunto belonging to be paid her by half yearly payments provided my estates and interest therein shall so long continue

I give devise and bequeath unto the said **Martha Walton** the further sum of ten pounds sterling yearly during her life issuing and arising out of the lands in the county of Sligo now tenanted and held by **John Teigne** of Balnescarrow which lands I hold from **Gilbert King of Charlestown** in the county of Roscommon esq and produce to me the said sum of ten pounds sterling yearly

I give devise and bequeath to my grand nephew **James Achmuty of Irish Town** in the county of Dublin and his assigns one annuity or yearly rent charge or sum of ten pounds sterling the same to be payable and issuing out of my lands of Hollymount and the lands thereunto belonging to be paid and payable to him and his assigns during his natural life provided my estate and interest therein shall so long continue the said annuities or yearly rent charge to be paid and payable unto them the said **Martha Walton** and **James Achmuty** and their assigns by two equal half yearly payments on every first day of May and first day of November the first payment thereof to be made on which ever of the said days of payment as shall next happen after my decease

And my will is that in case all or any of the aforesaid annuities or yearly rent charge or any part or parts thereof shall be behind or unpaid by or for the space of twenty days next after either of the days on which the same might to be paid as aforesaid that then and in such cases it shall and may be lawful to and for the said **Martha Walton** and **James Achmuty** respectively or their respective assigns to enter in and upon the aforesaid lands charged these with and distrain the same for all arrears that shall be then due on the said respective annuities or yearly rent charge and for all costs and charges that shall be incurred by suing for the same and to dispose of such distress or distresses according to law

I leave devise and bequeath unto the boy called **James Dodd** the sum of two hundred pounds sterling and my will and intention is that the said **Samuel Auchmuty** shall lay out and dispose of such part of the said sum of two hundred pounds as he shall think proper in apprenticing and as and for an apprentice fee or otherwise for advancing the said **James Dodd** in life and if the said **James Dodd** shall die before he is so apprenticed or be advanced in life by the said **Samuel Auchmuty** then I leave and bequeath the same sum of two hundred pounds or such part thereof as shall not be disposed of for the purpose aforesaid to be equally divided between

Townly Ahmuty  
Attorney

**Elizabeth Maria Ahmuty daughter of the said Samuel Ahmuty and Louisa Auchmuty daughter of my nephew the Reverend John Auchmuty**

I leave and bequeath unto **Mrs Clement Auchmuty** wife of the said **John Auchmuty** twenty pounds to buy mourning I leave and bequeath to **Townly Ahmuty attorney** twenty pounds to buy mourning I give and bequeath unto the said **Coote Molloy** forty pounds to buy mourning I leave and bequeath unto **Hellen Molloy third daughter of the said Coote Molloy** ten pounds to buy mourning I leave and bequeath to **Rebecca Dodd spinster daughter to James Dodd deceased** twenty pounds to buy mourning I give and bequeath unto **Mrs Sarah Dodd widow of Gilbert Dodd deceased** twenty pounds to buy mourning I give and bequeath unto **Margaret Dodd spinster daughter of Kingston Dodd** late of Kingsbrook in the county of Sligo esquire deceased fifty pounds sterling I give and bequeath unto **Mrs Letitia Ahmuty widow of Townley** five guineas to buy a mourning ring and my will and direction is that all the legacies bequeathed by me to buy mourning shall be paid off and discharged by my executors as soon as possible after my decease

I give and bequeath unto my god daughter **Hellen Forbes Ahmuty daughter of the said Samuel Ahmuty** two hundred pounds sterling I give and bequeath unto **Louisa Ahmuty daughter of the herein before named John Auchmuty** two hundred pounds sterling I give and bequeath unto my god daughter **Hellen Molloy third daughter of the said Coote Molloy** one hundred pounds sterling I give and bequeath unto **Catherine Gibson wife of William Gibson** of the town of Sligo surgeon one hundred pounds sterling I give and bequeath unto **Mary McDermott** my old servant who lived with me at Hollymount five pounds sterling I give and bequeath unto the right honorable **Edward Earl of Kingston** my large silver cup now in his possession in gratitude the same being given to my late husband **Toby Dodd** by the late **Lord Kingsborough** his Lordship's brother

and my will and intention further is that in case my personal estate shall not be sufficient to answer pay off and discharge all the legacies devised by this my will as aforesaid then I do hereby charge and incumber my said lands of Hollymount with the lands thereunto belonging with the payment of the several legacies aforesaid or such part of them as my personal estate will not be sufficient to pay and after payment of my said legacies as aforesaid I leave and bequeath my said lands of Hollymount and the lands thereunto belonging together with my lease thereof but subject nevertheless to the said annuities and payment of the legacies as aforesaid to my grand nephew **Gilbert Dodd the son of my nephew Gilbert Dodd deceased** and to the unmarried daughters of the **Reverend Oliver Dodd of Kingsfort** in the county of Sligo Clerk share and share alike

And my will is that before the said **Gilbert Dodd** and the unmarried daughters of the said **Oliver Dodd** shall be put into or take or get into the possession of any part of my lands of Hollymount that all my debts and the several legacies herein before devised by me shall be first paid off and discharged And my will further is and it is my true intention that if at any time hereafter during my life I shall pay off and discharge any of the legacies by this my will bequeathed and take or get a receipt to the amount thereof from the legatee then and in that case I do hereby annul and revoke the said legacy as if the same had never been devised or bequeathed by me

And lastly I do order and direct that I may be decently buried as near to my late husband **Toby Dodd** as possible in the family burial place in the church yard of **Ardcarn** in the county of Roscommon with as little expence as the same can be decently done for but at the discretion of my executors And I do hereby nominate constitute and appoint the said **Reverend Samuel Ahmuty** and the said **Coote Molloy** executors and trustees of this my last will and testament hereby revoking disannulling and making void former and other will or wills codicil or codicils to wills and all other writings purporting to be a will by me heretofore made or spoken and do publish and declare this and this only to be my last will and testament

In witness whereof I have hereunto set my hand and affixed my seal this sixteenth day of April 1784 signed **Hellen Dodd** (seal) signed sealed published and declared by the said **Hellen Dodd** as and for her last will and testament in the presence of us who at her request and in her presence and in the presence of each other have hereunto signed our names as witnesses thereto **L.H. Harman Chr. Robinson Will. Bignell**

4

**Codicil dated 23<sup>rd</sup> February 1785**

I **Hellen Dodd** widow of **Toby Dodd** late of Hollymount in the county of Roscommon esq deceased do make this my first codicil to my last will and testament (bearing date sixteenth day of April one thousand seven hundred and eighty four) in manner following that is for and concerning the rest residue and remainder of all my personal estate after payment of my debts funeral expences and the several and respective legacies devised and bequeathed by my said last will that I shall die seised and possessed of

I leave and bequeath the said residue and remainder of my personal estate to **Forbes Robert Achmuty** second son of my friend and relative the **Reverend Samuel Achmuty** and to the boy called **James Dodd** who is the supposed natural child of my said late husband **Toby Dodd** equally divided between them share and share alike and my will is that if the boy called **James Dodd** shall die before he shall arrive at the full age of twenty one years then I leave and bequeath the said **James Dodd**'s part and portion of the residue of my personal estate to go to and be equally divided among the daughters of the **Reverend Oliver Dodd** of Kingsfort in the county of Sligo Clerk I leave and bequeath to the boy called **James Dodd** my gold watch and my silver tankard or the value of them as soon as he shall arrive at or attain his full age of twenty one years

And my will further is that if the said **James Dodd** shall die before he attains his full age of twenty one years then I leave and bequeath my said gold watch with my chain and seals to **Elizabeth Maria Ahmuty** eldest daughter of my friend the **Reverend Samuel Ahmuty** and my silver tankard to the **Reverend Oliver Dodd** and my will and intention is that if **Mrs Martha Walton** shall die before the expiration or determination of my term or interest in the lands in the county of Sligo which I hold from **Gilbert King** esquire then and in that case I leave and bequeath my interest in said lands to my grand nephew **Gilbert Dodd** son on my nephew **Gilbert Dodd** deceased And I do hereby appoint the said **Reverend Samuel Ahmuty** and **Coote Molloy** executors of this my codicil to be annexed to my last will and testament

In witness whereof I have hereunto set my hand and seal this twenty third day of February in the year of our Lord one thousand seven hundred and eighty five **Hellen Dodd** (seal) signed sealed published and declared by the said **Hellen Dodd** as and for her first codicil to her last will and testament in the presence of us who at her request and in her presence and in the presence of each other have hereunto signed our names as witnesses thereto **S. Ahmuty Thos. Montgomery Blair Will. Bignell**

(Wilts & Swindon RO)

S

**Judgement dated 7<sup>th</sup> May 1788**

**on dispute between Rev Samuel Ahmuty and Townly Ahmuty over Helen Dodd's Will**

Richard by divine providence Archbishop of Armagh primate and metropolitan of all Ireland also judge or president of his Majesty's Court of Prerogative for causes ecclesiastical and faculties in and throughout the whole kingdom of Ireland by royal authority rightly and lawfully constituted and established to our beloved in Christ the **Reverend Samuel Ahmuty of Ballymulvoy** in the county of Longford Clerk greeting

Whereas our beloved the right worshipful Stephen Radcliff doctor of laws our commissary in the said court in a certain business of granting the burden of the execution of the last will and testament and codicil of **Hellen Dodd** widow of **Toby Dodd** esq deceased (having whilst living and at the time of her death goods rights credits or chattles in divers dioceses or peculiar jurisdictions) unto the said **Reverend Samuel Achmuty** one of the executors named in the said will of the said deceased which for some time was moved and depended and still is moved and depends and still is moved and depends undetermined in judgement before him between the said **Samuel Ahmuty** the party promoting the said business of the one part and **Townly Ahmuty** gentleman pretending to have and interest in the goods rights credits and chattles of the said **Hellen Dodd** deceased or Richard Walker gent his ? ? in special and all others in general the parties against whom the said business was promoted of the other part ? mighty and duly proceeding did decree Letters of Administration of all and singular the goods rights credits and chattles to be granted and committed to you the said **Samuel Ahmuty** during the dependence of the said cause to the end and with intent only that the same goods rights credits and chattles may during the dependence of the said cause be well and faithfully asked demanded collected recovered and received and the same well and faithfully preserved and kept and on the determination of the said suit delivered safe and entire into the hands of such person or persons as shall have a right therein

We therefore by these presents grant full power and authority unto you the said **Samuel Ahmuty** in whose fidelity we confide to ask demand collect recover receive and administer all and singular the goods rights credits and chattles of the said deceased during the pendancy of the said cause and well and faithfully to keep and preserve the same for the use and benefit of the person or persons who shall have the right therein and deliver the same on the determination of the said cause into the hands of the person or persons who shall have the right therein You being first personally sworn in the Holy Evangelists in due form of law well and faithfully to administer all and singular the goods rights credits and chattles of the said deceased for the use and benefit aforesaid

And we do by virtue of these presents nominate ordain make and constitute you the said **Samuel Ahmuty** administrator of all and singular the goods rights credits and chattles of the said **Hellen Dodd** deceased during the dependance of the above mentioned cause but no longer for the use and benefit of the person or persons who shall have the right therein (saving the right of every person whatever)

In testimony whereof we have caused the seal of his Majesty's said Court of Prerogative to be affixed to these present dated the seventh day of May in the year of our Lord one thousand seven hundred and eighty eight.

(Wilts & Swindon RO)